Applicant : Lawrence W. Yonge III et al.
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Attorney's Docket No.: 04838-077001

REMARKS

Substance of Interview

Applicant's representative Elliott Mason (Reg. No. 56,569) thanks the Examiner for the telephone interview on April 29, 2008. In accordance with MPEP Section 713.04, the substance of the interview is included herein. No exhibits were shown. Applicant's representative asked questions about the particular parts of the cited reference being relied upon and how they were being interpreted to allegedly disclose aspects of the subject matter of claim 1. Agreement was reached, as described below, that the references do not support the outstanding prior art rejections, and the Examiner agreed to either issue a new Non-Final Office Action with new grounds for rejection or a Notice of Allowance.

Prior Art Rejections

The Examiner has rejected claims 1 – 3, 12, 57 – 60, and 65 – 67 under 35 U.S.C. 103(a) as unpatentable over Yi (U.S. 2002/0001314) in view of Zegelin (U.S. 2005/0089). The Examiner has rejected claims 4 – 8, 17 – 19, 28 – 36, 44 – 46, and 61 – 64 under 35 U.S.C. 103(a) as unpatentable over Yi and Zegelin in view of Rosengard (U.S. 2005/0063402). The Examiner has rejected claims 9 – 11, 49 – 56, and 68 under 35 U.S.C. 103(a) as unpatentable over Yi and Zegelin in view of Rakib (U.S. 2002/0015423). The Examiner has rejected claims 14 – 16 under 35 U.S.C. 103(a) as unpatentable over Yi, Zegelin, and Rosengard in view of Gibson (U.S. 6,445,717). The Examiner has rejected claims 20 – 27 under 35 U.S.C. 103(a) as unpatentable over Yi, Zegelin, and Rosengard in view of Del Prado Pavon (U.S. 2004/0047351). The Examiner has rejected claim 37 under 35 U.S.C. 103(a) as unpatentable over Yi, Zegelin, and Rosengard in view of Jiang (U.S. 6,765,885). The Examiner has rejected claims 38 – 40 under 35 U.S.C. 103(a) as unpatentable over Yi, Zegelin, Rosengard, and Jiang in view of Henson (U.S. 2002/0131591). The Examiner has rejected claims 13, 41 – 43, and 47 – 48 under 35 U.S.C. 103(a) as unpatentable over Yi, Zegelin, and Rosengard in view of Rakib.

Independent claim 1

No proper combination of Yi and Zegelin discloses or suggests at least "dividing the encapsulated stream into a plurality of pieces ... at least some of the low level data units each containing a plurality of the pieces into which the encapsulated stream was divided, and at least some of the low level data units containing boundary demarcation information indicating boundaries between the sub-frames in the stream," as recited by independent claim 1.

On page 3 of the Office Action, the Examiner states that Zegelin discloses "at least some of the low level data units each containing one or more of the plurality of pieces into which the encapsulated stream was divided." However, claim 1 requires "at least some of the low level data units each containing a plurality of the pieces into which the encapsulated stream was divided."

During the interview, the Examiner stated that while he meant to say "a plurality of the pieces" instead of "one or more of the plurality of pieces" on page 3 of the Office Action, the Examiner now agrees that Zegelin does not teach or suggest "at least some of the low level data units each containing a plurality of the pieces into which the encapsulated stream was divided." In particular, during the interview, the Examiner identified the "smaller units" into which larger packets are broken (described in paragraph [0051] of Zegelin) as the recited "pieces." However, the Examiner acknowledged that, even if these "smaller units" could be interpreted as the recited "pieces," neither Yi nor Zegelin teach or suggest anything that could be interpreted as low level data units, at least some of which each contain a plurality of the pieces into which the encapsulated stream was divided.

The Examiner indicated he would withdraw the current rejection of claim 1, and potentially perform further search.

Independent claim 49

No proper combination of Yi and Zegelin teaches or suggests at least "dividing the encapsulated stream into a plurality of pieces, with at least some of the low level data units each

containing a plurality of the pieces into which the encapsulated stream was divided, and at least some of the low level data units containing boundary demarcation information indicating boundaries between the sub-frames in the stream," as recited by independent claim 49.

Furthermore, no proper combination of Yi, Zegelin, and Rakib suggests what is lacking in Yi and Zegelin or provides any motivation to modify the teachings of Yi and Zegelin so that at least some of the low level data units each contain a plurality of the pieces into which the encapsulated stream was divided, and at least some of the low level data units contain boundary demarcation information indicating boundaries between the sub-frames in the stream.

Thus, Applicant respectfully requests reconsideration of claim 49.

Independent claim 57

No proper combination of Yi and Zegelin teaches or suggests at least "dividing the encapsulated stream into a plurality of sub-blocks, forming a plurality of pieces, with each piece including one or more sub-blocks, … and supplying low level data units, at least some of the low level data units each containing a plurality of the pieces that include the sub-blocks into which the encapsulated content was divided, and at least some of the low level data units containing boundary demarcation information indicating boundaries between the sub-frames in the stream," as recited by independent claim 57.

Thus, Applicant respectfully requests reconsideration of claim 57.

Dependent claims

No proper combination of Yi and Zegelin and any of the other secondary references teaches or suggests the subject matter of the independent claims found to be lacking in Yi and Zegelin. The dependent claims are each properly dependent on a respective independent claim, and are thus allowable therewith. The dependent claims also add one or more further limitations, which are not presently relied upon to establish patentability. For that reason, and not because Applicant agrees with the Examiner, no rebuttal is offered to the Examiner's reasons for rejecting the dependent claims.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific issue or comment does not signify agreement with or concession of that issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper.

$120 for the Petition for Extension of Time fee is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account Authorization. Please apply any other charges or credits to deposit account 06-1050, referencing Attorney Docket No. 04838-077001.

Respectfully submitted,

Date: May 14, 2008   /Elliott J. Mason, III/
                                      Elliott J. Mason, III   Reg. No. 56,569

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